

Town of Amherst  
Zoning Board of Appeals - Special Permit  
*DECISION*

**Applicant:** Christopher Bloom (for The Hangar)  
P.O. Box 1000, 10 South Main Street, Belchertown, MA 01007

**Owner:** Sotirios Anamisis  
7 Newton Street, Belchertown, MA 01007

**Date Application filed with the Town Clerk:** July 16, 2007

**Nature of request:** Petitioner seeks a Special Permit to expand the parking to the west of the existing structure (The Hangar) by modifying Condition # 6 of Special Permit ZBA FY2000-00002.

**Location of property:** 55 University Drive, Map 13B, Parcel 21, B-L Zone.

**Legal notice:** Published in the Daily Hampshire Gazette on July 25 and August 1, 2007 and again on September 5 and September 12, 2007, and sent to abutters on July 25 and September 5, 2007.

**Board members:** Russell Frank, Jane Ashby and Al Woodhull

**Submissions:**

The applicant submitted the following documents:

- A set of drawings entitled “Special Permit Application for The Hangar Pub & Grill – Parking Improvements”, prepared by The Berkshire Design Group, revised September 12, 2007, including:
  - C-0.0 – Overall Site Plan, Abbreviations, Legend and General Notes
  - C-1.0 – Site Demolition, Erosion Control and Sedimentation Control Plan
  - C-2.0 – Site Materials and Layout Plan
  - C-3.0 – Site Utility and Site Lighting Photometric Analysis Plan
  - C-4.0 – Site Grading and Drainage Plan
  - C-5.0 – Soil Erosion and Sediment Control Specifications, Narrative and Details
  - C-5.1 – Site Details
- A Letter, dated July 11, 2007, from Steven Pikul of The Berkshire Design Group to the Zoning Board of Appeals, regarding the application;
- A Management Plan;
- A set of photographs of the site taken during the summer of 2007.

Town of Amherst staff submitted the following documents:

- A Memorandum from the Fire Department, dated July 19, 2007, commenting on the application;
- A Chart from the Planning Department, dated September 13, 2007, showing building and lot coverage;
- A Letter from Jason Skeels, Town Engineer, to the Conservation Commission, dated September 12, 2007, commenting on the application;

- A plan entitled “Site Plan”, prepared by Gillen Architects, dated March 8, 1994;
- A plan entitled “Floor Plan”, prepared by Gillen Architects, dated March 8, 1994;
- A copy of Special Permit ZBA FY94-30, granted to Christian Hait to operate a bar/restaurant with automatic amusement devices on the site;
- A Memorandum from the Planning Department dated September 14, 2007, commenting on the application.

**Site Visit:** September 19, 2007

At the site visit the Board was met by Christopher Bloom, the applicant, Steve Pikul of The Berkshire Design Group, the engineer, and Harold Tramazzo, the owner of the restaurant.

The Board observed the following:

- The location of the site on a well-traveled road, near the University of Massachusetts and close to a shopping center and major intersection;
- The location of the existing building and parking spaces;
- The location of the proposed handicapped parking spaces and signs designating these spaces;
- The existing catch basin at the front of the site which is to be augmented by a hydrodynamic separator to treat stormwater;
- The south side of the building where no changes are proposed;
- The southwest corner of the building and the location of the proposed dumpster and fence;
- The location of the new cooler, shed and fences at the rear (west side) of the building;
- The location of the new parking lot on the west side of the building, with its accompanying drainage forebays and wet basin;
- The existing trees which are to remain and those which are to be removed;
- The proposed location of the 6 inch high curb to be installed on the south side of the southernmost forebay adjacent to the new parking lot;
- The fire lane to be designated on the north side of the building.

**Public Hearing:** August 9, 2007

The Board opened the public hearing but did not take any testimony, due to the fact that incomplete information had been submitted and the Conservation Commission and Town Engineer had not yet reviewed the drawings. The public hearing was continued, without naming a “date certain” for the continuation. A new public hearing date (September 20<sup>th</sup>) was advertised on September 5 and 12, 2007, and public notices were sent to abutters on September 5, 2007.

**Continued Public Hearing:** September 20, 2007

At the public hearing, Steve Pikul of The Berkshire Design Group, Christopher Bloom, the applicant, and Harold Tramazzo, the owner of the restaurant, were present. Mr. Pikul presented the petition. He presented the following information and made the following comments:

- A site plan showing that a new parking lot with twenty (20) parking spaces is being proposed on the west side of the site; a twenty-four (24) foot wide driveway will provide access from the corridor at the rear of the building into the new parking lot;
- Photographs of the site;
- The system for managing and cleaning the stormwater from the new parking lot will consist of two sedimentation forebays and a large wet basin; water will flow into the forebays from the parking lot and will infiltrate into the ground or flow into the wet basin;
- Oil, anti-freeze and salt will be cleaned out of the water by the plants in the forebays; sediment will sink to the bottom;

- The O & M (Operation and Maintenance) Manual describes the maintenance of the stormwater management system; the forebays will be cleaned and mowed once a year;
- Permanent markers will be installed in the bottoms of the forebays to indicate the amount of sediment that has built up;
- The forebays will handle the “small event” storms; the wet basin will handle the “large event” storms;
- The wet basin will have an outlet control structure to control the rate of runoff; there will be no increase in runoff to the wetland, in the post-development condition, from this parking lot;
- The trees near the back of the building will be preserved, but trees in the middle of the new parking lot will need to be cut;
- The shed storage on the north side of the building will be expanded to 8’ x 16’;
- A new 8’ x 16’ cooler will be installed on a new concrete pad on the west side of the building;
- A new 8 foot high fence will be installed around the northwest corner and partially along the west wall to hide the electrical, heating and ventilation systems;
- The shed, the cooler and the fence will not block the exits from the rear of the building;
- Dumpsters will be moved to the south west corner of the building, with a fence installed around them to screen them; this fence will be locked;
- A new fire lane will be established five (5) feet from the curb on the north side; it will be 50 feet long and there will be a sign “Fire Lane – No Parking”; the police will be called if vehicles park in the fire lane;
- The new handicapped parking spaces will be marked with pavement stripes and signs;
- The drainage in front of the building, from the parking lot and the access road, will be treated in a new “hydrodynamic” chamber built immediately to the north of the existing catch basin; the grate over the existing catch basin will be removed and replaced with a solid cover to create a drain manhole with a sump; the hydrodynamic chamber will become the new inlet point for stormwater and it will be connected to the newly created drain manhole;
- Water from the two (2) and ten (10) year storms will be treated in the hydrodynamic chamber to remove sediment, oil and anti-freeze and then will flow to the drain manhole and out to the wetland to the north of the existing parking lot;
- Water from storms greater than ten (10) year storms will go into the chamber but will flow directly into the drain manhole and from there to the wetland, as it does in the current condition.

Mr. Frank asked about the number of existing and proposed parking spaces. Mr. Pikul stated that there are thirty-eight (38) existing parking spaces permitted and laid out on the previously approved site plan. However, the pavement was not built exactly according to the site plan and it was not striped. In addition, some of the existing parking has been taken up by the existing dumpster. This area behind the building will now become a service area. Mr. Pikul stated that there will be forty-four (44) parking spaces total once the new parking lot is built. Now people park along the access road, causing congestion and impeding the flow of traffic.

Mr. Frank asked about the fill to be brought into the site. Mr. Pikul stated that there would be about 325 cubic yards of fill brought in to grade the new parking lot. There would be an average of two (2) feet of fill over the area of the new parking lot.

Mr. Frank asked about screening or fencing proposed for the south side of the new parking lot. Mr. Pikul explained that there is no screening or fencing proposed for that area, but that there will be a pre-cast curb, about one-hundred (100) feet long and six (6) inches high. This curb will act to prevent snow from being pushed into the stormwater treatment forebay and will also prevent runoff from the parking lot on the

adjacent property to the south from entering the forebay. There will also be a temporary erosion control measure installed, in the form of an “eco-berm”, about eighteen (18) inches high and two (2) feet wide around the perimeter of the disturbed area to protect the wetland.

Mr. Frank asked about lighting. [Small lights mounted on the back building are visible in the photographs presented at the hearing.] Mr. Pikul stated that there will be four (4) light fixtures placed around the new parking lot, two on the north and two on the south, and they will cast light at one (1) footcandle per square foot across the area. There will be outside shields on the lights on the south side to prevent light from spilling onto the adjacent property to the south. There are no lights proposed for the area immediately behind the building.

Mr. Pikul described the new fence. It will be installed in three locations – at the northwest corner of the building, in a six (6) foot long section along the back of the building and around the dumpster. It will be vinyl-clad, board and batten on the bottom and lattice work on top. It will be eight (8) feet high to hide a storage area for large beer kegs and other items that need to be stored and to screen the dumpster.

Mr. Pikul noted that, at the southwest corner of the building, in the vicinity of the electrical cabinet, a portion of the existing pavement protrudes into the adjacent property to the south. The portion of pavement on the adjacent property will be removed and the new paved area for the dumpster will be created entirely on the property associated with The Hangar. This is shown on the drawing entitled “C-1.0. – Site Demolition, Erosion Control and Sedimentation Control Plan”.

Ms. Ashby stated that she had counted a total of forty-seven (47) parking spaces on the plan rather than forty-four (44) spaces, including twenty-seven (27) existing spaces and twenty (20) proposed spaces. She agreed that the plan to hide the storage area at the back of the building was appropriate. She expressed concern about encroaching into the habitat area behind the building and questioned the workability of the sedimentation forebays. Mr. Pikul stated that the forebays would be planted with “New England Vegetated-Mix – C-4”. Water will sit in the wet-bottom basin and the plant life will remove the oil, salt and anti-freeze from the stormwater.

Ms. Ashby expressed concern about the lighting, considering that shielding was proposed for the south side only and that the corridor behind the building was not proposed to be lit. Mr. Pikul explained that there were no neighbors to the north and that the level of lighting would fall to zero near the edge of the parking lot. He explained that the lighting plan had been prepared by the lighting manufacturer.

Ms. Ashby suggested that a low fence be installed around the entire construction area at the rear of the site to keep animals out of the stormwater treatment basins. She asked how long construction was expected to take. Mr. Pikul stated that construction was expected to begin in the spring and that it would take approximately three (3) months.

Ms. Ashby asked if there was any plan for lighting in the area where employees would park. Mr. Tramazzo stated that employees now park in the area near where the dumpsters are located. In the future employees will probably park in the rear parking lot. Not all of the employees bring cars onto the site since some of them carpool and some take the bus.

Ms. Ashby asked about the hours of operation of the proposed lighting. Mr. Pikul stated that the hours of operation of the lighting would coincide with the hours of operation of the business. Mr. Tramazzo clarified that the lights would be on until 1:30 or 2:00 a.m.

Mr. Woodhull noted that it was a shame to take away vegetation and add asphalt. He stated that there was a large parking lot next door which could be rented from the adjacent landowner to provide parking for the restaurant. He stated that he appreciated the stormwater treatment solutions being proposed but he was concerned that the oils, anti-freeze and salts would seep into the ground beneath the forebays. Mr. Pikul stated that the sediments will be removed once a year and trucked to a registered landfill.

Mr. Woodhull commented that the applicants were “doing a good job of something that I wish you weren’t doing”. He suggested installing a new sign along the access road saying “No Parking”.

Mr. Frank asked about the grading plan. Mr. Pikul presented a plan showing the existing contours on the site and the proposed grading. He commented that the existing slope in the vicinity of the new parking lot is about 4%.

Mr. Frank asked about the existing electrical cabinet on the concrete pad. Mr. Pikul stated that the construction would not disturb the electrical cabinet.

Planning Department staff member, Christine Brestrup, reported that she had spoken with Stephanie Ciccarello, Wetlands Administrator, who stated that the Conservation Commission had reviewed and approved the plans with respect to wetlands issues; however a final Order of Conditions had not yet been issued. Mr. Pikul noted that the O & M (Operations and Maintenance) Manual contains specific information about the maintenance of the stormwater system. It has been submitted to the Conservation Commission.

Mr. Frank referred to the Fire Department’s memorandum of review dated July 19, 2007. He stated that the Fire Department agreed with the plan with respect to access for emergency vehicles and that it had requested that a fire lane be designated and marked.

Laird Summerlin, the owner of the adjacent property to the north, stated that he agreed with the building of the new parking lot because the access road is now jammed with parked cars and the new parking lot will alleviate this problem.

Mr. Frank asked about snow removal. Mr. Pikul stated that a professional contractor will be hired for plowing snow. It will be necessary to “back-blade” the snow out of the parking lot and take it off site. The plowed snow should be kept out of the storm drainage forebays. He described how the six (6) inch high berm on the south side of the property will help to keep snow that falls on the adjacent parking lot from being dumped into the southern forebay. He stated that the property as a whole drains towards the west.

Mr. Pikul stated that vertical signs will be installed to mark handicapped parking spaces in addition to pavement markings. The vertical signs will be installed in back of the sidewalk so that they will not be hit by cars or snow plows. All of the new spaces will be lined with pavement markings.

Mr. Frank suggested that there be a sign directing patrons to the new parking spaces at the rear of the site.

Ms. Ashby asked about the contract for cleaning the forebays. Mr. Pikul referred to the O & M Manual which addresses the cleaning of the forebays, the maintenance of the erosion control, the mowing of the basins and all of the items related to the Conservation Commission review.

Mr. Frank asked about the amount of fill. There was discussion about the quantity of fill and whether it would require a Special Permit under Section 5.10 of the Zoning Bylaw. It was determined that the amount of fill proposed for this site amounted to approximately 325 cubic yards or 8,775 cubic feet. Section 5.10

governs fill amounting to 10,000 cubic feet or more (5,000 square feet x 2 feet deep or 2,000 square feet x 5 feet deep) and therefore this section of the Bylaw does not apply in this case.

Mr. Pikul explained that the fill is necessary since the seasonal high groundwater level is close to the surface. He noted that the bottoms of the forebays are planned to be eighteen (18) inches higher than the seasonal high groundwater levels.

Ms. Ashby MOVED to close the evidentiary portion of the public hearing. Mr. Woodhull SECONDED the motion. The Board VOTED unanimously to close the evidentiary portion of the public hearing.

### **Public Meeting – Discussion**

At the public meeting the Board discussed its findings and the conditions that would be imposed if the Board were to approve the application. Mr. Frank asked if the Board members were in agreement about the proposal and whether all of the issues had been addressed. Mr. Woodhull commented that he doesn't like the proposal but that it is well done. Ms. Ashby stated that she was hesitant to approve the application because of the complexity of the proposal. Ms. Weeks noted that, if the Board approves the application and still has concerns, these concerns should be addressed in the conditions because otherwise they cannot be enforced. Mr. Pikul noted that there is an inspection and maintenance checklist that is required to be submitted on an annual basis to the Conservation Commission.

### **Public Meeting – Findings:**

Under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, the Board found that:

10.380 & 10.381 – The proposal is suitably located in the neighborhood in which it is proposed, and is compatible with surrounding uses, because the new parking lot will serve the existing use, which is allowed in the B-L Zoning District with a Special Permit and there are other similar uses nearby, including a sports bar, a supermarket and a pizza parlor. A restaurant has operated in this location since at least the 1980's. In addition, the new parking lot will help to alleviate the current problem with parking and congestion along the access road that parallels University Drive.

10.382, 10.383, 10.385 and 10.387 – The proposal would not constitute a nuisance, protects the adjoining premises against detrimental or offensive uses, and would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians because the parking lot is well-designed to accommodate the number of parking spaces proposed, lights will be shielded, there is an appropriate plan for stormwater management and parking and traffic congestion problems will be alleviated as a result of this proposal.

10.384 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because the parking lot and access drive have been appropriately designed, the lot will be well-lighted, stormwater runoff will be managed appropriately on-site, video cameras will be installed to improve safety around the building and a fire-lane will be designated and marked to prevent parking against the north wall of the building.

10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations of the Bylaw because it increases the number of on-site parking spaces available to patrons of the restaurant, the permit requires that parking spaces, including handicapped spaces, be clearly marked and there will be signs designating "No Parking" and "Fire Lane" and signs directing patrons to the new parking lot at the rear of the site. The design and placement of signs will be approved by the Board.

10.388 – The proposal ensures adequate space for the off-street loading and unloading of vehicles because parking will no longer be allowed along the rear driveway corridor and passage to the dumpster and service

areas will be unimpeded for delivery vehicles and trash removal trucks.

10.389 – The proposal provides adequate methods of disposal and or storage for refuse, and recyclables because the dumpster will be moved to a new location that provides easier access for removal of refuse and recyclables.

10.390 – The proposal ensures protection from flood hazards because the stormwater runoff from the new parking lot will be managed to prevent an increase in runoff from the site.

10.392 – The proposal provides adequate landscaping because there are existing trees, shrubs and lawn areas around the building which will not be disturbed. Areas around the new parking lot, including the sedimentation forebays and wet basin will be planted with appropriate wetland species. In addition, a fence will be constructed to provide screening for the dumpster and the service area at the rear of the building

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because lighting in and adjacent to the new parking lot will be shielded so as not to allow light to spill onto adjacent properties.

10.396 – The proposal provides screening for storage areas and dumpsters because a new eight (8) foot high fence will be installed to screen the exterior storage areas and dumpster.

10.398 – The proposal is in harmony with the general purpose and intent of the Bylaw because it will promote the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst by providing a safer and more organized parking area for a busy and popular restaurant.

#### **Public Meeting – Zoning Board Decision**

Ms. Ashby MOVED to approve the application, with conditions as drafted. Mr. Woodhull SECONDED the motion.

For all the reasons stated above the Board VOTED unanimously to grant a Special Permit to expand the parking to the west of the existing structure (The Hangar) by modifying Condition # 6 (parking plan) and Condition #7 (dumpster location) of Special Permit ZBA FY2000-00002, as applied for by Christopher Bloom, at 55 University Drive (Map 13B, Parcel 21, B-L Zone), with conditions.

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RUSSELL FRANK

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JANE ASHBY

\_\_\_\_\_  
AL WOODHULL

FILED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007 at \_\_\_\_\_,  
in the office of the Amherst Town Clerk \_\_\_\_\_.

TWENTY-DAY APPEAL period expires, \_\_\_\_\_ 2007.

NOTICE OF DECISION mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2007  
to the attached list of addresses by \_\_\_\_\_, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
in the Hampshire County Registry of Deeds.

Town of Amherst  
Zoning Board of Appeals

*SPECIAL PERMIT*

The Amherst Zoning Board of Appeals hereby grants a Special Permit to expand the parking to the west of the existing structure (The Hangar) by modifying Condition # 6 (parking plan) and Condition #7 (dumpster location) of Special Permit ZBA FY2000-00002, as applied for by Christopher Bloom, at 55 University Drive (Map 13B, Parcel 21, B-L Zone), with the following conditions:

1. Final revised site plans shall be submitted for review and approval by the Board at a public meeting. These final revised site plans shall include the following:

- All information included in the site plans reviewed and approved on September 20, 2007;
- The location, size and design of vertical post signs and pavement marking signs indicating the following:
  - Vertical post signs indicating “No Parking” along the access road;
  - Signs painted on the pavement indicating “No Parking” along the access road;
  - Vertical post signs indicating “No Parking – Fire Lane” along the north side of the building;
  - Vertical post signs directing patrons to the new parking lot indicating “Parking Available in Rear”
  - Vertical post signs in the corridor between the building and the new parking lot indicating “Surveillance Video Camera(s) in Use”;
- The 2’ to 2 ½’ high barrier along the south side of the property (see Condition #5 below);
- Pavement markings delineating new and existing parking spaces;
- The site lighting;
- The video cameras.

2. Site improvements shall be constructed and maintained in accordance with the final revised site plans, described above.

3. Signs shall be installed and maintained in accordance with the final revised site plans, described above.

4. The existing and new parking spaces shall be appropriately delineated with pavement markings, and the pavement markings maintained, in accordance with the final revised site plans, described above.

5. A barrier of no less than two (2) feet in height and no more than two and one-half (2 ½) feet in height shall be installed and maintained along the southern edge of the property, along the length of the southernmost forebay, to physically prevent snow from being deposited in the forebay.

6. A final revised management plan, including a more detailed management, maintenance and operations plan for snow removal, signage, operation of video cameras and lighting, shall be submitted for review and approval by the Board at a public meeting. No snow is to be deposited in the forebays or in the wet basin at any time. The site shall be managed in accordance with the final revised management plan.



7. Lighting shall be installed as follows:
  - All exterior lighting shall be downcast;
  - Lighting surrounding the new parking lot shall be shielded to prevent light from spilling onto adjacent properties;
  - Downcast lighting shall be installed and maintained in the rear corridor, between the building and the new parking lot, sufficient to illuminate the area for drivers and pedestrians, at a level of approximately one (1) footcandle per square foot.
8. Video surveillance cameras shall be installed and maintained as follows:
  - The location shall be in the rear corridor, between the building and the new parking lot;
  - The number of cameras shall be sufficient to monitor the rear corridor and new parking lot;
  - Appropriate signage shall be installed announcing the presence of the video cameras;
  - Video cameras shall be operated and monitored during all hours that employees are present on the site;
  - The applicant shall consult with the Police Department for advice regarding the operation of the surveillance video cameras and shall incorporate the Department's recommendations into the revised management plan.
9. No salt (sodium chloride) shall be used for de-icing in the rear parking lot. Environmentally friendly de-icing and snow melting materials only shall be used in the rear parking lot.
10. The applicant shall use fill of an appropriate grade for use within the 100-foot buffer zone of the wetlands, as specified by the Massachusetts Department of Environmental Protection regulations. The fill materials shall be clean fill only, free of construction materials and other debris.
13. Each year, within thirty days of the anniversary of the filing of this Special Permit with the Town Clerk, the applicant shall submit to the Building Commissioner a copy of the inspection and maintenance checklist as required by the Town Engineer and the Conservation Commission.
14. All construction activity shall occur between July 1<sup>st</sup> and December 1<sup>st</sup>.

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RUSSELL FRANK, Chair  
Amherst Zoning Board of Appeals

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DATE